

Thursday, March 17, 2011

Thank you for giving me the opportunity to provide my testimony.

I am testifying today out of concern for a portion of Bill 188 that says under who is required to register, the definition of 'convicted' on Pg. 2 (subsection (b) (ii)(b)) , that says that 'HYTA before 10/1/2004 if the individual is convicted of ANY OTHER FELONY on or after 2011'.

I am the mother of a young man who was prosecuted (consent established) and sentenced under HYTA for 1 Ct. 3rd Deg. CSC in 2003. At the time, he had just turned 18, while she was soon to turn 16. He was granted the HYTA, because the judge had sufficient evidence to show that the act committed was not coercive nor violent in any way. As a result of the 2004 changes in the laws, he was able to petition to have his registry requirements reduced to 10 years. On the day this happened, he hugged us and cried. This was granted, because the court sentenced him under HYTA based on the sufficient evidence of no coercion nor violence - and because he successfully fulfilled all requirements for his sentence. Subsequent to that - we petitioned the court - and succeeded, in having him removed from the SOR based on 'cruel and unusual punishment'.

This cruel and unusual punishment was evident in the many roadblocks he faced in finding housing and jobs while on the registry. He was forced to live at home with his parents, even though he needed to be self-supportive and independant. It also was very evident in the losses he faced in damaged relationships within the extended family. Some of these relationships are damaged beyond repair, which is an immeasurable tragedy. Since his removal from the registry, not one of these relationships has been restored in any way. Family members often don't understand the complexities of the laws involving sex crimes. Neither do they understand that there are those on the registry who do not belong there. But everyone in this room here, does - because someone in their lives have somehow wound up there.

Our son lost too much weight and his asthma grew more severe. He lived with anxiety on top of depression, all of the time, and carried guilt for all of the changes that resulted in our family since this all began. Finally it became too much, and he decided one day to end his grief - and the grief he felt he caused others. He hung himself in our garage. No one was home at the time, and he should have died that day - but friends who had unexpectedly dropped in, found him. They thought he was dead, and cut him down. Amazingly he revived when they removed the rope.

This is not a story I like to tell, because it is a horrific tale to have to listen to. But I share it because this is what he was driven to, whether right or wrong. He lost hope, and the desire to live anymore because he knew that it would be a struggle all of his life - he knew that he would be required to rely on his parents for too much - and he knew that he wasn't strong enough to endure those feelings of inadequacy.

Even though our son has been removed from the registry, we know that we can never lose sight of the fact that if he were on once - until the laws change, he can be on again, irregardless of whether or not he belongs there.

I and my husband are concerned that even though the federal government does not view age specific, consensual sex between two young people - as a criminal act, ... those sentenced such as our son under the HYTA (which is consensual and non-coercive) would be defined as predatory - but only if they commit a second crime.

If these youth are placed back on the registry as a result of committing any crime (defined as punishable by more than one year - or a potential high court 2-year misdemeanor), whether it's related to a sex offence or not - how can this not be called a 'punishment'? The registry is too important of a tool, to use as a means to punish with.

Other states who have been found in 'significant' compliance with the AWA, have been able to define their sex offender recidivists, as those who truly commit another sex offense. My hope is that Michigan will do the same.

Thank you, Debra